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FM AMEMBASSY MADRID
TO SECSTATE WASHDC IMMEDIATE 7349

UNCLAS MADRID 15938

S/CT FOR WHARTON

E.O. 12356: N/A

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SUBJECT: SPAIN: 1988 ANNUAL TERRORISM REPORT

REF: STATE 357278

JUDICIAL RESPONSES AND MAJOR COUNTERTERRORISM EFFORTS

1. SPAIN AND THE U.S. SIGNED A SECOND SUPPLEMENTAL EXTRADITION TREATY ON FEBRUARY 9, 1988 THAT STRENGTHENED COOPERATION AGAINST INTERNATIONAL TERRORISM BY PROVIDING THAT ANY FUGITIVE CHARGED WITH A VIOLENT CRIME CANNOT DEFEAT EXTRADITION BY CLAIMING HIS OFFENSE WAS POLITICAL IN NATURE. THE USG AND THE GOS ARE CURRENTLY NEGOTIATING A TREATY OF MUTUAL LEGAL ASSISTANCE (MLAT).

2. DURING 1988, SPAIN REPEALED ITS TOUGH ANTI-TERRORIST LAW DUE TO A 1987 RULING COURT RULING THAT CERTAIN SECTIONS OF THE LAW, INCLUDING A PROVISION PERMITTING UP TO TEN DAYS DETENTION PRIOR TO THE FILING OF CHARGES, WERE UNCONSTITUTIONAL. HOWEVER, MOST PROVISIONS OF THE OLD ANTI-TERRORIST LAW WERE INCORPORATED INTO THE ORDINARY PENAL CODE. THE NEW LEGISLATION, WHICH TOOK EFFECT ON MAY 26, PROVIDES THAT ARRESTEES IN TERRORISM CASES CAN BE HELD FOR UP TO FIVE DAYS WITHOUT CHARGES BEING FILED.

3. THE SPANISH COURTS DURING 1988 CONTINUED TO DEAL STERNLY, ALTHOUGH WITHIN CONSTITUTIONAL LIMITS, WITH TERRORIST CASES. FOUR MEMBERS OF THE BASQUE TERRORIST GROUP ETA WERE SENTENCED ON MARCH 14, 1988 TO 74 YEARS IN PRISON FOR POSSESSION OF ARMS AND EXPLOSIVES, DESTRUCTION OF PROPERTY AND BELONGING TO AN "ARMED BAND." ALSO ON MARCH 14, AN ETA MILITANT WAS SENTENCED TO 50 YEARS ON CHARGES OF MURDER, ATTEMPTED MURDER AND OTHER OFFENSES. IN EARLY 1988 THE DISTRICT COURT IN MADRID, HOWEVER, FOUND INNOCENT FIVE ALLEGED MEMBERS OF AN ETA OPERATIONAL UNIT ("COMANDO") ON THE GROUNDS THAT "SERIOUS DOUBT" EXISTED REGARDING THEIR GUILT, AND THAT THE STATEMENTS MADE BY THE DEFENDANTS TO THE SPANISH NATIONAL POLICE WERE NOT "FREELY GIVEN."

4. THE GOS ANNOUNCED ON DECEMBER 2, 1988 A 380 MILLION DOLLAR PLAN TO MODERNIZE THE POLICE. ACCORDING TO DIRECTOR FOR STATE SECURITY RAFAEL VERA, ONE OF THE PRIORITIES OF THE PLAN IS THE STRENGTHENING OF ANTITERRORIST PROGRAMS, INCLUDING NEW COMPUTER DATABASES AND NEW EQUIPMENT FOR THE FIELD SUCH AS ARMoured VEHICLES.

INTERNATIONAL COOPERATION

5. SPAIN PARTICIPATES ACTIVELY IN THE TREVI GROUP AND WILL BE TREVI PRESIDENT FOR THE FIRST SIX MONTHS OF 1989. ON DECEMBER 8, SPAIN PROPOSED THAT THE TREVI GROUP FORM A COMMITTEE TO STUDY THE SECURITY IMPLICATIONS AND RECOMMEND COORDINATION OF LEGISLATION AND PRACTICAL SECURITY RESPONSES REGARDING THE OPENING OF EC BORDERS IN 1992, ESPECIALLY WITH RESPECT TO DRUG TRAFFICKING AND TERRORISM. THE GOS ALSO COOPERATES IN ANTI-TERRORIST OPERATIONS ON A BILATERAL BASIS, AS DEMONSTRATED BY THE JOINT U.K.-GOS EFFORT THAT RESULTED IN THE SHOOTING OF THREE IRA TERRORISTS IN GIBRALTAR ON MARCH 6, 1988. THE TERRORISTS HAD BEEN UNDER OBSERVATION BY THE SPANISH POLICE FOR MONTHS BEFORE THEY ENTERED GIBRALTAR FROM SPAIN. IN ADDITION, FRANCE AND SPAIN MAINTAIN A POLICE LIAISON OFFICE TO STRENGTHEN ANTI-TERRORIST COOPERATION.

NO SUPPORT FOR INTERNATIONAL TERRORISM

6. THE GOS DOES NOT SUPPORT, EITHER FINANCIALLY OR DIPLOMATICALLY, ANY INTERNATIONAL TERRORIST ACTIVITIES. THE PLO MAINTAINS A REPRESENTATIVE OFFICE IN MADRID THAT DOES NOT HAVE DIPLOMATIC STATUS. THERE HAS BEEN NO CHANGE IN THE NATURE

OF THIS OFFICE SINCE 1987; THE GOS DECLINED A 1987 PLO REQUEST
FOR DIPLOMATIC STATUS.

BARTHOLOMEW